

SEP 08 2005

**MCKEE, VOORHEES & SEASE, PLC**  
~~MCKEE, VOORHEES & SEASE, PLC~~

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TO: Art Unit 3743 - MAIL STOP PETITIONS

COMPANY: USPTO

PHONE:

FAX: 571-273-8300

FROM: KIRK M. HARTUNG

NUMBER OF PAGES (Including cover): 5

Please file the attached **PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT** and **STATEMENT OF FACTS** for the following:

APPLICANT : UNGEMACH, Robert et al.  
SERIAL NO : 10/523,504  
FILED : June 6, 2005  
TITLE : IMRT REINFORCED THERMOPLASTIC PATIENT RESTRAINTS

Grp./A.U. : 3743  
Examiner :  
Conf. No. : 1298  
Docket No. : P05841US00

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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**RECEIVED**  
SEP 14 2005  
OFFICE OF PETITIONS**PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT**  
(37 C.F.R. § 1.102 and M.P.E.P. § 708.02)

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicant hereby petitions to make this application special because of actual infringement.

The attached Declaration of David Van Gorp, CEO of the assignee of the above-identified invention, states the following:

1. There is an infringing device or product actually on the market.

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**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

☐ deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**FACSIMILE**

☒ transmitted by facsimile to the Patent and Trademark Office, Art Unit 3743 at Fax No. (571) 273-8300.

Date: 9/8/05  
KIRK M. HARTUNG

2. A rigid comparison of the alleged infringing device, product or method with the claims of the application has been made, and we believe that at least one of the pending claims is unquestionably infringed; and
3. A careful and thorough search of the prior art has been made via the parent PCT Application. All relevant art as cited in the PCT Search Report has been submitted via an Information Disclosure Statement filed on August 15, 2005.

Please charge Deposit Account No. 26-0084 in the amount of \$130.00. It is not believed that any additional fees are due in regards to this petition, however, please consider this a request to charge any additional fees required by this paper or credit any over payment to Deposit Account No. 26-0084.

Respectfully submitted,



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